

NURSING BOARD[655]

Notice of Intended Action

Proposing rule making related to background checks for nursing students and providing an opportunity for public comment

The Board of Nursing hereby proposes to amend Chapter 2, “Nursing Education Programs,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 152.5A.

Purpose and Summary

During the 2020 Legislative Session, the Legislature passed 2020 Iowa Acts, Senate File 2299, which relates to background checks for employees of certain health care facilities, providers, and agencies and students in nursing programs. 2020 Iowa Acts, Senate File 2299, section 6, amended Iowa Code section 152.5A to conform the nursing-student background check process to the requirements of Iowa Code section 135C.33. This proposed rule making updates the Board’s rules regarding background checks for nursing students to incorporate the amended Iowa Code language.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on May 25, 2021. Comments should be directed to:

Kathy Weinberg
Iowa Board of Nursing
400 S.W. Eighth Street, Suite B
Des Moines, Iowa 50309
Email: kathy.weinberg@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

May 25, 2021
9 to 10 a.m.

Board Office, Suite B
400 S.W. Eighth Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend rule 655—2.13(152) as follows:

655—2.13(152) Student criminal history checks.

2.13(1) The program shall initiate criminal history and child and dependent adult abuse record checks of students and prospective students to ensure a student's ability to complete the clinical education component of the program in accordance with Iowa Code ~~section 152.5~~ sections 152.5A and 135C.33.

2.13(2) The program shall:

a. Notify all students and prospective students of the nursing program's written policy and procedure concerning criminal history and child and dependent adult abuse record checks.

b. Conduct record checks in accordance with Iowa Code sections 152.5A and 135C.33 on all students:

(1) Applying for the nursing program.

(2) Returning to the clinical education component of the nursing program. Time frames between record checks may be determined by the program.

(3) Anytime during the student's enrollment in the nursing program pursuant to the program's policy and procedure.

~~*c.* Request that the department of public safety perform a criminal history check and that the department of human services perform child and dependent adult abuse record checks.~~

d. c. Follow the guidelines and standards set forth ~~Abide by the results of the evaluation performed by the department of human services in conducting record checks and in when determining a student's ability to complete the clinical education component of a nursing program based on the record checks.~~